

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:16-CR-404-T-17JSS

JARVIS RODRICK THOMAS.

ORDER

This cause is before the Court on:

Dkt. 94 Motion to Preserve Objection

Defendant Jarvis Rodrick Thomas, *pro se*, moves to preserve Defendant's objection as to the viewing of a video. Defendant Thomas relates the video to the advice rendered by counsel before Defendant Thomas entered into a plea, and premised on the duty of counsel to investigate and review discovery.

The Court did not know of any issue with the availability of the video until August, 2019, when Defendant Thomas filed his Motion (Dkt. 90). At that time, Defendant Thomas' appeal was pending, and Defendant Thomas' previous Motion was forwarded.

Defendant Thomas is seeking to preserve an objection as to the availability of a video that was not raised in the previous proceedings, such as the change of plea hearing or sentencing hearing. To the extent that Defendant Thomas may wish to raise a claim of ineffective assistance of counsel, Defendant Thomas may pursue a Section 2255 Petition.

After consideration, the Court denies Defendant Thomas' Motion without prejudice. Accordingly, it is

ORDERED that *pro se* Defendant Jarvis Rodrick Thomas' Motion to Preserve Objection (Dkt. 94) is **denied without prejudice**.

DONE and ORDERED in Chambers in Tampa, Florida on this 4th
day of December, 2019.



ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

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